



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Michael Avella, Treasurer  
New York Republican Federal Campaign  
Committee  
315 State Street  
Albany, NY 12210

**MAR 20 2002**

Identification Number: C00055582

Reference: Amended Mid-Year Report (1/1/01-6/30/01), received 8/15/01

Dear Mr. Avella:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up,

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stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2))  
The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

-On Schedule A supporting Line 11(a)(i) of the Detailed Summary Page, your report disclosed contributions from individuals that omit the aggregate year-to-date totals. Please amend your report by supplying the information. 11 CFR §104.3(a)(4)(i).

-Schedule A supporting Line 15 discloses offsets to operating expenditures from Bush-Cheney 2000 Inc./Recount. However, it appears that your committee did not previously report making the disbursement(s). Please amend the appropriate report(s) and disclose the original date of the disbursement(s) on Schedule B or H4 supporting Line 21(a) or 21(b) of the Detailed Summary Page.

-Schedule A of your report (pertinent portion(s) attached) discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission. In order for your committee to

accept contributions from unregistered organizations into accounts used to influence federal elections, your committee should take steps to insure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

To the extent that your committee has received prohibited funds, you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. See 11 CFR 103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. Should you choose to transfer-out or refund the contribution(s), the Commission will presume the funds were impermissible if no statement from your committee provides information to the contrary. Transfers-out and refunds should be disclosed on a Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, prompt action by your committee in transferring-out or refunding the amounts will be taken into consideration.

-Schedule H3 discloses the receipt of \$41,836.85 from your non-federal account for a fundraising event(s) which is listed as 100% federal on Schedules H2 and H4. A committee is permitted to pay the entire amount of an allocable activity from its federal account and receive a transfer(s) from its non-federal account solely to cover the non-federal share of the allocable expense(s). 11 CFR §106.5(g)(i). However, a 100% federal fundraising event does not fall within the definitions of an allocable expense, and constitutes an impermissible transfer of funds received by your federal account from your non-federal account.

The Commission recommends you immediately transfer the total amount received by your federal account back to your non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

-On Schedule H4, you disclose a payment of \$8,918.08 to your non-federal account for "transfer of non-fed share of reimbursement". Please be advised that refunds must be allocated between the federal and non-federal accounts according to the same ratio used to allocate the original disbursement. Please amend your report to disclose the name of the vendor and the date of the reimbursement.

-Schedule H4 of your report discloses an apparent in-kind contribution to Friends of Pataki for "employee health insurance". Please be advised that contributions to non-federal committees/organizations do not qualify as shared expenses to be allocated between your federal and non-federal accounts. Contributions to non-federal committees/organizations should be disclosed on a separate Schedule B supporting Line 29. Any reimbursement from your committee's non-federal account for any portion of this contribution(s) is not permissible and should be transferred-out immediately. 11 CFR §102.5(a)(1)(i) Please amend your report to clarify the disbursement(s).

-Schedules H2 and H4 disclose 100% federal activity. Please be advised that by definition, this activity does not qualify as a shared expense to be allocated between your federal and non-federal accounts. This activity should be itemized on a Schedule B for Line 21(b) of the Detailed Summary Page. Any reimbursement from your committee's non-federal account for any portion of this activity is not permissible and must be

returned. Please amend your report to clarify this discrepancy.

-On Schedule H2, you disclose the ratios for "GC Inaugural Reception 1/19/01" and "Seaport Reception 3/15/01" as 28% Federal/72% Non-Federal and 8% Federal/93% Non-Federal and "the same as previously reported". However, the reports filed in the previous election cycle disclosed the ratios of 50% Federal/50% Non-Federal and 8% Federal/92% Non-Federal for these events. Please amend your report to clarify these apparent discrepancies.

-Lines 18, 21(a)(i) and 21(a)(ii) of the Detailed Summary Page of your report discloses a total(s) of \$1,262,647.05, \$352,860.20 and \$1,274,269.05 in Transfers from Nonfederal Account for Joint Activity and Shared Federal/Non-Federal Activity. The sum of the entries itemized on Schedules H3 and H4, however, indicates these totals to be \$2,003,053.89, \$351,411.18, and \$1,270,543, respectively. Please amend your report to clarify these discrepancies.

-On Schedule H4 supporting Line 21(a) of the Detailed Summary Page, you have not included the full name and/or mailing address for several vendors listed. Please amend your report accordingly.

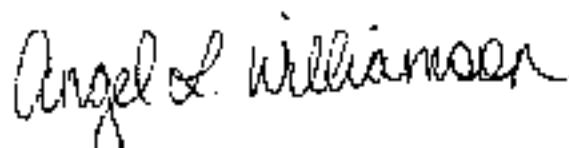
-On Schedule H4 supporting Line 21(a), you disclose a disbursement to American Express for "credit for duplicate payment". If American Express credited your account for this amount, it should be itemized as a negative entry. Please amend your report to clarify this apparent discrepancy.

-Your EVENT YEAR-TO-DATE calculations for "Telemarketing Jan", "Telemarketing March/April", "GC Buffalo Reception" and "Oct. 11 Dinner" are incorrect. EVENT YEAR-TO-DATE totals for administrative and voter drive costs are derived by aggregating all disbursements during the calendar year for the whole Administrative/Voter Drive category. EVENT YEAR-TO-DATE totals for fundraising, direct candidate support, and exempt activities are derived by aggregating all disbursements during the calendar year within a specific event. These should be calculated by adding the latest disbursement for a category or event to the previous EVENT YEAR-TO-DATE total for that category or event. This running EVENT YEAR-TO-DATE total should be disclosed after each disbursement is listed. Please amend your report by providing the correct EVENT

YEAR-TO-DATE totals.

A response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. Electronic filers must file amendments in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Angel L. Williamson  
Senior Reports Analyst  
Reports Analysis Division

**SCHEDULE A (FEC Form 3X)**  
**ITEMIZED RECEIPTS**

Use separate schedule(s)  
 or each category of the  
 Detailed Summary Page

FDR LINE NUMBER:  
 (check only one)

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☐ 11a ☐ 11b ☒ 11c ☐ 12  
☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

New York Republican Federal Campaign Committee

**A.** Columbia Employees PAF

Full Name (Last, First, Middle Initial)

Mailing Address

12801 Fair Lakes Parkway

City

Fairfax

State

VA

Zip Code

22033

FEC ID number of contributing  
 federal political committee.

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General  
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

1000.00

Date of Receipt

06 / 26 / 2001

Amount of Each Receipt this Period

1000.00

Receipt

Transaction ID: 0726200148C770311390

**B.** RPAC of NYS

Full Name (Last, First, Middle Initial)

Mailing Address

130 Washington Avenue

City

Albany

State

NY

Zip Code

12210-2218

FEC ID number of contributing  
 federal political committee.

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General  
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

3000.00

Date of Receipt

01 / 24 / 2001

Amount of Each Receipt this Period

3000.00

Receipt

Transaction ID: 0726200111C68960B028

**C.**

SUBTOTAL of Receipts This Page (optional)

4000.00

TOTAL This Period (last page this line number only)

4000.00

